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## CHAPTER 17

### International Conflict Resolution and Avoidance

#### A. MIDDLE EAST PEACE PROCESS

See Chapter 9 for discussion of the merger of the U.S. Consulate General in Jerusalem into the U.S. Embassy to Israel and U.S. recognition of the Golan Heights as part of Israel. On November 18, 2019, Secretary of State Michael R. Pompeo announced a change in the U.S. view regarding the establishment of Israeli civilian settlements in the West Bank. Secretary Pompeo's remarks are excerpted below and available at <https://www.state.gov/secretary-michael-r-pompeo-remarks-to-the-press/>. For Secretary Kerry's December 2016 statement on Israeli settlements, see *Digest 2016* at 694-702.

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U.S. public statements on settlement activities in the West Bank have been inconsistent over decades. In 1978, the Carter administration categorically concluded that Israel's establishment of civilian settlements was inconsistent with international law. However, in 1981, President Reagan disagreed with that conclusion and stated that he didn't believe that the settlements were inherently illegal.

Subsequent administrations recognized that unrestrained settlement activity could be an obstacle to peace, but they wisely and prudently recognized that dwelling on legal positions didn't advance peace. However, in December 2016, at the very end of the previous administration, Secretary Kerry changed decades of this careful, bipartisan approach by publicly reaffirming the supposed illegality of settlements.

After carefully studying all sides of the legal debate, this administration agrees with President Reagan. The establishment of Israeli civilian settlements in the West Bank is not per se inconsistent with international law.

I want to emphasize several important considerations.

First, ... we recognize that—as Israeli courts have—the legal conclusions relating to individual settlements must depend on an assessment of specific facts and circumstances on the ground. Therefore, the United States Government is expressing no view on the legal status of any individual settlement.

The Israeli legal system affords an opportunity to challenge settlement activity and assess humanitarian considerations connected to it. Israeli courts have confirmed the legality of certain settlement activities and ha[ve] concluded that others cannot be legally sustained.

Second, we are not addressing or prejudging the ultimate status of the West Bank. This is for the Israelis and the Palestinians to negotiate. International law does not compel a particular outcome, nor create any legal obstacle to a negotiated resolution.

Third, the conclusion that we will no longer recognize Israeli settlements as per se inconsistent with international law is based on the unique facts, history, and circumstances presented by the establishment of civilian settlements in the West Bank. Our decision today does not prejudice or decide legal conclusions regarding situations in any other parts of the world.

And finally ... calling the establishment of civilian settlements inconsistent with international law hasn't worked. It hasn't advanced the cause of peace.

The hard truth is there will never be a judicial resolution to the conflict, and arguments about who is right and wrong as a matter of international law will not bring peace. This is a complex political problem that can only be solved by negotiations between the Israelis and the Palestinians.

The United States remains deeply committed to helping facilitate peace, and I will do everything I can to help this cause. The United States encourages the Israelis and the Palestinians to resolve the status of Israeli settlements in the West Bank in any final status negotiations.

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## **B. PEACEKEEPING AND CONFLICT RESOLUTION**

### **1. Afghanistan**

In March 2019, U.S. Special Representative for Afghanistan Reconciliation Ambassador Zalmay Khalilzad consulted with his counterparts from the European Union, Russia, and China on the Afghan peace process. See media notes, available at <https://www.state.gov/consultations-with-china-and-russia-on-the-afghan-peace-process/> and <https://www.state.gov/consultations-with-the-european-union-on-the-afghan-peace-process/>.

On April 26, 2019, the United States released as a media note the text of a joint statement by the governments of the United States, Russia, and China after their trilateral meeting, in Moscow on April 25, 2019, on the Afghan peace process. The joint statement follows and the media note is available at <https://www.state.gov/joint-statement-on-trilateral-meeting-on-afghan-peace-process/>.

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1. The three sides respect the sovereignty, independence, and territorial integrity of Afghanistan as well as its right to choose its development path. The three sides prioritize the interests of the Afghan people in promoting a peace process.

2. The three sides support an inclusive Afghan-led, Afghan-owned peace process and are ready to provide necessary assistance. The three sides encourage the Afghan Taliban to participate in peace talks with a broad, representative Afghan delegation that includes the government as soon as possible. Toward this end, and as agreed in Moscow in February 2019, we support a second round of intra-Afghan dialogue in Doha (Qatar).

3. The three sides support the Afghan government efforts to combat international terrorism and extremist organizations in Afghanistan. They take note of the Afghan Taliban's commitment to: fight ISIS and cut ties with Al-Qaeda, ETIM, and other international terrorist groups; ensure the areas they control will not be used to threaten any other country; and call on them to prevent terrorist recruiting, training, and fundraising, and expel any known terrorists.

4. The three sides recognize the Afghan people's strong desire for a comprehensive ceasefire. As a first step, we call on all parties to agree on immediate and concrete steps to reduce violence.

5. The three sides stress the importance of fighting illegal drug production and trafficking, and call on the Afghan government and the Taliban to take all the necessary steps to eliminate the drug threat in Afghanistan.

6. The three sides call for an orderly and responsible withdrawal of foreign troops from Afghanistan as part of the overall peace process.

7. The three sides call for regional countries to support this trilateral consensus and are ready to build a more extensive regional and international consensus on Afghanistan.

8. The three sides agreed on a phased expansion of their consultations before the next trilateral meeting in Beijing. The date and composition of the meeting will be agreed upon through diplomatic channels.

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After the representatives of the governments of the United States, Russia, Pakistan, and China convened a Four-Party Meeting on the Afghan Peace Process in Beijing, July 10-11, 2019, they released a joint statement, available in a State Department media note at <https://www.state.gov/four-party-joint-statement-on-afghan-peace-process/>. The text of the joint statement follows.

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Representatives of China, Russia, and the United States held their 3rd consultation on the Afghan peace process in Beijing. China, Russia, and the United States welcomed Pakistan joining the consultation and believe that Pakistan can play an important role in facilitating peace in Afghanistan. Pakistan appreciated the constructive efforts by the China-Russia-US trilateral consultation on the Afghan peace process.

The four sides exchanged views on the current situation and joint efforts for realizing a political settlement to advance peace, stability, and prosperity of Afghanistan and the region. The four sides emphasized the importance of the trilateral consensus on the Afghan peace process reached in Moscow on April 25, 2019. All sides welcomed recent positive progress as the crucial parties concerned have advanced their talks and increased contacts with each other. All sides also welcomed intra-Afghan meetings held in Moscow and Doha.

The four sides called for relevant parties to grasp the opportunity for peace and immediately start intra-Afghan negotiations between the Taliban, Afghan government, and other Afghans. They re-affirmed negotiations should be “Afghan-led and Afghan-owned” and further agreed that these negotiations should produce a peace framework as soon as possible. This framework should guarantee the orderly and responsible transition of the security situation and detail an agreement on a future inclusive political arrangement acceptable to all Afghans.

The four sides encouraged all parties to take steps to reduce violence leading to a comprehensive and permanent ceasefire that starts with intra-Afghan negotiations.

The four sides agreed to maintain the momentum of consultation, will invite other important stakeholders to join on the basis of the trilateral consensus agreed on April 25, 2019 in Moscow, and this broader group will meet when intra-Afghan negotiations start. The date and venue for the next consultation will be agreed upon through diplomatic channels.

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On October 22, 2019, the State Department released as a media note (available at <https://www.state.gov/europe-us-communique-on-the-afghan-peace-process/>) the following statement by special envoys and representatives of the European Union, France, Germany, Italy, Norway, the United Kingdom, the United Nations and the United States of America, after their meeting at EU Headquarters in Brussels on October 22, 2019.

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Respectful of the sovereignty, independence and territorial integrity of Afghanistan, participants exchanged views on the current status of the Afghan peace process and discussed ways to support the Afghan people’s desire for a lasting peace. To that end, participants:

1. Acknowledged the widespread and sincere demand of the Afghan people for a lasting peace and an end to the war.
2. Reviewed the current situation in Afghanistan and confirmed that a sustainable peace can only be achieved through a negotiated political settlement.
3. Committed to work with the Government of the Islamic Republic of Afghanistan, the Taliban, and other Afghan political and civil society leaders to reach a comprehensive and sustainable peace agreement that ends the war for the benefit of all Afghans and that contributes to regional stability and global security.
4. Urged all parties to take immediate and necessary steps to reduce violence and civilian casualties in order to create an environment conducive for peace.
5. Applauded the courage of Afghan voters, poll workers, election observers and security forces, as well as the work of the Independent Election Commission and the Electoral

Complaints Commission, who made the 28 September presidential elections possible, respecting the constitutional order of Afghanistan, and despite technical challenges and security threats; and urged independent Afghan electoral institutions to ensure the votes of Afghans are accurately counted and that results are determined in a fair and transparent manner to ensure the credibility and legitimacy of the electoral process.

6. Welcomed all international efforts that support the Afghan peace process while building upon the gains of the last 18 years and the progress made in protecting the fundamental rights of women and minorities. In that regard, participants congratulated Germany and Qatar for co-organising the historic Intra-Afghan Peace Conference in Doha, Qatar on July 7-8, 2019, and welcomed the Resolution agreed among the Afghan participants in that event; and encouraged follow-on events to focus on implementation of that Resolution, including ways to achieve the participants' commitment to end civilian casualties, among other things.

7. Stressed that any future intra-Afghan dialogues and peace conferences should build on the achievements of the intra-Afghan Peace Conference in Doha, be inclusive and respect the dignity of all Afghans.

8. Called on President Ashraf Ghani, Chief Executive Abdullah Abdullah and other prominent Afghan leaders to focus immediately on preparing the Islamic Republic of Afghanistan for formal Intra-Afghan Negotiations with the Taliban, including the naming of an inclusive, national negotiating team.

9. Urged all sides to observe a ceasefire for the duration of Intra-Afghan Negotiations to enable participants to reach agreement on a political roadmap for Afghanistan's future.

10. Reaffirmed that any peace agreement must protect the rights of all Afghans, including women, youth and minorities, and must respond to the strong desire of Afghans to sustain and build on the economic, social, political and development gains achieved since 2001, including adherence to the rule of law, respect for Afghanistan's international obligations, and improving inclusive and accountable governance. Highlighted that the Afghan parties inclusion in, and ownership of, intra-Afghan negotiations is important for a successful outcome.

11. Reaffirmed that the Taliban and other Afghan groups must take concrete steps to ensure that territory of Afghanistan should not be used by al-Qa-ida, Daesh or other international terrorist groups to threaten or attack any other country, that the Taliban must cut ties with al-Qaida and other international terrorist groups, and that neither the Taliban nor any other Afghan group or individual should support terrorists operating on the territory of any other country.

12. Stressed the importance of fighting illegal drug production and trafficking and urged all sides to eliminate the drug threat in Afghanistan.

13. Called upon the Government of Afghanistan to effectively fight corruption and promote good governance, and to implement anti-corruption legislation.

14. Agreed that continued international support to Afghan National Defence and Security Forces and other government institutions will be necessary to ensure Afghanistan can defend itself against internal and external threats.

15. Agreed that continued international development assistance will be needed for Afghanistan's reconstruction following a peace agreement, and looked forward to a successful conference in 2020 to discuss international support for Afghanistan.

16. Encouraged all concerned countries to support the Afghan people and contribute to a lasting peace settlement in the interest of all.

17. Expressed their appreciation to the European Union for organising these consultations and agreed to settle the date and venue of the next meeting through diplomatic channels.

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The governments of the United States of America, Russia, China, and Pakistan released a statement after joint meetings on Afghanistan, held in Moscow October 24-25, 2019. The joint statement, excerpted below, is available as an October 28, 2019 State Department media note at <https://www.state.gov/u-s-russia-china-and-pakistan-joint-statement-on-peace-in-afghanistan/>.

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The Special Representatives of Russia, China, and the United States of America held their fourth consultation on the Afghan peace process in Moscow on October 25, 2019. Russia, China, the United States and Pakistan also held the second round of four-party consultations. Respectful of the sovereignty, independence, and territorial integrity of Afghanistan, participants discussed ways to support the Afghan people's desire for a lasting peace. To that end, participants:

1. Acknowledged the widespread and sincere demand of the Afghan people for lasting peace and an end to the war.
2. Reviewed the current situation in Afghanistan and their joint efforts to reach a sustainable settlement in the country by political and diplomatic means.
3. Confirmed that a sustainable peace can be achieved only through a negotiated political settlement.
4. Committed to work with the Islamic Republic of Afghanistan, both government leaders and others, and the Taliban to reach a comprehensive and sustainable peace agreement that ends the war for the benefit of all Afghans and that contributes to regional stability and global security.
5. In order to create an environment conducive for negotiations, urged all sides to immediately reduce violence.
6. Stated their expectations that all sides will observe a ceasefire for the duration of intra-Afghan negotiations to enable participants to reach agreement on a political roadmap for Afghanistan's future.
7. Called on the Afghan government and the Taliban to release significant numbers of prisoners at the start of intra-Afghan negotiations.
8. Reaffirmed that any peace agreement must include protections for the rights of all Afghans, including women, men, children and minorities, and should respond to the strong desire of Afghans for economic, social, and political development including rule of law.
9. Called on all Afghans including the government and the Taliban to ensure international terrorists do not use Afghan soil to threaten the security of any other country.
10. Highlighted the importance of fighting illegal drug production and trafficking and urged all sides to eliminate the drug threat in Afghanistan.

11. Encouraged all concerned countries to support the Afghan people and contribute to a lasting peace settlement in the interest of all.

12. Welcomed the Chinese proposal to host the next intra-Afghan meeting in Beijing with the participation of a wide range of political figures of the Islamic Republic of Afghanistan, including representatives of the Government of the Islamic Republic of Afghanistan, other Afghan leaders and the Taliban.

13. Noted the importance of current consultations with further involvement of other interested actors on the basis of the trilateral consensus agreed on April 25, 2019 in Moscow.

14. Expressed their appreciation to the Russian side for organizing the four-party consultations and agreed to settle the date and venue of the next meeting through diplomatic channels.

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## 2. Syria

On September 23, 2019, the State Department issued a press statement welcoming the UN-brokered agreement between the Government of Syria and the Syrian Negotiations Commission to form a Constitutional Committee. The press statement, available at <https://www.state.gov/statement-welcoming-un-secretary-generals-announcement-of-an-agreement-between-the-government-of-syria-and-the-syrian-negotiations-committee-to-form-a-constitutional-committee/>, further states:

While much work remains to be done, this is an encouraging step toward reaching a political solution to the Syrian conflict in line with UNSCR 2254. We appreciate the work of the UN Secretary General, UN Envoy Pedersen, Turkey, Russia, and the members of the Small Group in achieving this result. We will continue to strongly support the work of UN Special Envoy Pedersen to advance the political process and all other elements as called for in UNSCR 2254. We will remain engaged with the UN and other parties to encourage all possible efforts to advance the political track.

On September 26, 2019, the foreign ministers of Egypt, France, Germany, Jordan, the Kingdom of Saudi Arabia, the United Kingdom, and the United States of America (the “Small Group”) released a joint statement on the urgent need for a lasting political solution for Syria, on the basis of UN Security Council Resolution 2254. The joint statement is available as a State Department media note at <https://www.state.gov/joint-statement-by-the-foreign-ministers-of-the-small-group-on-syria/> and appears below.

\* \* \* \*

The Syrian conflict is in its ninth year, hundreds of thousands of people have died and millions been forcibly displaced. The United Nations assess that in recent months in Idlib, more than



1,000 civilians have been killed and more than 600,000 fled their homes, the humanitarian situation worsened by the targeting of schools, hospitals and other civilian buildings. We deeply regret that the Security Council has failed once again to unite in calling for the protection of civilians, adherence to international humanitarian law, and humanitarian access. We remain fully committed to support such vital measures, and call for an immediate and genuine ceasefire in Idlib. The use of any chemical weapons in Syria shall not be tolerated. We also demand that all parties ensure that all measures taken to counter terrorism, including in Idlib Governorate, comply with their obligations under international law.

There can be no military solution to the Syria crisis, only a political settlement. Without that, Syria will remain weak, impoverished and destabilizing. We therefore strongly support the UN Secretary General's Special Envoy for Syria in his efforts towards a political settlement in line with Security Council Resolution 2254. We welcome the UN's announcement that all parties have now agreed to the establishment of a Constitutional Committee tasked with beginning this process. This is a long-awaited positive step, but one that still requires serious engagement and commitment to delivery in order to succeed. We encourage the UN to convene the Constitutional Committee, and to start discussion of the substantial issues of its mandate, as soon as possible. It also remains essential to advance all other dimensions of the political process, as outlined in UNSCR 2254.

We strongly support Geir Pedersen's broader efforts to implement all of Resolution 2254, including the meaningful involvement of all Syrians, especially women, in the political process. We fully support efforts towards the mass release of political prisoners and steps to create the safe and neutral environment that would enable Syrians to hold free, fair and credible elections, under UN supervision, in which internally displaced persons, refugees and the diaspora must be able to participate.

We stress the importance of accountability in any efforts to bring about a sustainable, inclusive and peaceful solution to the conflict and therefore continue to support efforts to ensure that all perpetrators of abuses and violations of international humanitarian and human rights law, including those who may be responsible for crimes against humanity, are identified and held accountable.

As the humanitarian situation across Syria continues to deteriorate, we stress the importance of ensuring safe and unhindered humanitarian access for all those Syrians currently in need of it.

We acknowledge the efforts of Syria's neighbors who shoulder the burden of hosting the vast majority of Syrian refugees. We encourage the international community to provide humanitarian assistance as well as financial support to those countries to share the costs of Syria's refugee crisis, until Syrians can voluntarily return home in safety, dignity and security. Any attempts at deliberate demographic change cannot be acceptable. We call on the Regime to cease actions that deter and prevent refugees from returning, and instead to take the necessary positive steps to achieve voluntary, safe and dignified returns.

Finally, we express our satisfaction at the liberation earlier this year of all territory once held by Daesh, who have brought such horror to Syria and Iraq, as well as to the rest of the world. However, the threat from Daesh remnants, as well as from other UN designated terrorist groups, remains, and we are resolved to ensure their lasting defeat. A political settlement in Syria remains essential to this outcome.

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On October 17, 2019, Turkey agreed to a ceasefire in Northeast Syria. See White House press release, available at <https://www.whitehouse.gov/briefings-statements/united-states-turkey-agree-ceasefire-northeast-syria/>. The agreement came after a week-long offensive by Turkey in the border region of Syria and allows for YPG forces to withdraw from Turkish-controlled territory. See Chapter 16 for discussion of the executive order issued by the United States in response to Turkey's offensive in Syria. The joint U.S.-Turkish statement on Northeast Syria is available at <https://www.whitehouse.gov/briefings-statements/united-states-turkey-agree-ceasefire-northeast-syria/>, and excerpted below.

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1. The US and Turkey reaffirm their relationship as fellow members of NATO. The US understands Turkey's legitimate security concerns on Turkey's southern border.
2. Turkey and the US agree that the conditions on the ground, northeast Syria in particular, necessitate closer coordination on the basis of common interests.
3. Turkey and the US remain committed to protecting NATO territories and NATO populations against all threats with the solid understanding of "one for all and all for one".
4. The two countries reiterate their pledge to uphold human life, human rights, and the protection of religious and ethnic communities.
5. Turkey and the US are committed to D-ISIS/DAESH activities in northeast Syria. This will include coordination on detention facilities and internally displaced persons from formerly ISIS/DAESH-controlled areas, as appropriate.
6. Turkey and the US agree that counter-terrorism operations must target only terrorists and their hideouts, shelters, emplacements, weapons, vehicles and equipment.
7. The Turkish side expressed its commitment to ensure safety and well-being of residents of all population centers in the safe zone controlled by the Turkish Forces (safe zone) and reiterated that maximum care will be exercised in order not to cause harm to civilians and civilian infrastructure.
8. Both countries reiterate their commitment to the political unity and territorial integrity of Syria and UN-led political process, which aims at ending the Syrian conflict in accordance with UNSCR 2254.
9. The two sides agreed on the continued importance and functionality of a safe zone in order to address the national security concerns of Turkey, to include the re-collection of YPG heavy weapons and the disablement of their fortifications and all other fighting positions.
10. The safe zone will be primarily enforced by the Turkish Armed Forces and the two sides will increase their cooperation in all dimensions of its implementation.
11. The Turkish side will pause Operation Peace Spring in order to allow the withdrawal of YPG from the safe zone within 120 hours. Operation Peace Spring will be halted upon completion of this withdrawal.
12. Once Operation Peace Spring is paused, the US agrees not to pursue further imposition of sanctions under the Executive Order of October 14, 2019, Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Syria, and will work and

consult with Congress, as appropriate, to underline the progress being undertaken to achieve peace and security in Syria, in accordance with UNSCR 2254. Once Operation Peace Spring is halted as per paragraph 11 the current sanctions under the aforementioned Executive Order shall be lifted.

13. Both parties are committed to work together to implement all the goals outlined in this Statement.

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On November 6, 2019, a senior State Department official provided a briefing on Syria and Turkey, available at <https://www.state.gov/senior-state-department-official-on-syria-and-turkey/>, and excerpted below.

\* \* \* \*

...[W]e're going to be meeting with the Turks in Ankara to talk to them about the implementation of the October 17th joint statement, our overall policies in Syria, and how we can better coordinate them with Turkey, because in many respects, Turkey is a natural ally of ours on the larger Syria issues of the Assad regime, of refugees, of chemical weapons, of the presence of the Iranians and such. The issues that we've had, as you all know as well as I, have been in the northeast.

And then also maintaining very close contacts with the Russians, both because from a military standpoint, there's military de-confliction going on all of the time in the northeast right now, and there's a political side to that as well. We still think that while most of the action has been the Turkish incursion into northeast Syria and everything we have done in response to that, at the same time, you've had the constitutional committee launch in Geneva at the end of last month, which is a victory for, we think, our and the international community's pressure strategy against the Assad regime, and indirectly against its main sponsor, Russia, and that's why we did get this launch.

Where the launch will go and how big of a role it will have in the political future of Syria is yet to be determined. Clearly, the Assad regime would like to see it have its minimal effect. We would like to see it have a maximal effect, and that's where the tension line lies with us and the Russians. The Russians are somewhere in between. Without the Russians, we wouldn't have gotten this constitutional committee, but to what extent they simply need a Potemkin village to prop up their main ally, Assad, and to what extent they realize that they are inheriting ownership of, to use Colin Powell's phrase, a pottery barn—that is, basically just rubble in a graveyard—that's another thing, and we're trying to make that point clear to them that it's going to stay part of rubble in a graveyard until the international community sees some kind of movement towards our list of issues and answers and policies, and you all know them.

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...This is a specific UN Security Council-mandated—not quite mandated, but quasi-mandated initiative that is being overseen by the United Nations, specifically Geir Pedersen. So in that regard, we take it more seriously.

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On November 14, 2019, the State Department released as a media note the text of a joint statement by the foreign ministers of the “Small Group on Syria,” which includes Egypt, France, Germany, Jordan, the Kingdom of Saudi Arabia, the United Kingdom, and the United States of America. The November 14, 2019 joint statement follows and is available at <https://www.state.gov/joint-statement-by-the-foreign-ministers-of-the-small-group-on-syria-3/>.

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The Foreign Ministers of Egypt, France, Germany, Jordan, the Kingdom of Saudi Arabia, the United Kingdom, and the United States of America strongly support the work of the UN Secretary-General and UN Special Envoy Geir Pedersen to implement UN Security Council Resolution 2254.

In recent weeks, the UN has opened a door to progress in the political process with the launching of the Constitutional Committee, which could be a first step towards a political solution. After more than eight years of violence, there is no military solution that can bring stability to Syria, allow displaced Syrians to return safely and voluntarily to their homes, and defeat terrorism.

We remain committed to upholding the sovereignty, unity and territorial integrity of Syria and oppose forced demographic change. We particularly call upon all actors in the northeast to immediately implement a cease fire and to halt all military offensive operations. We commit to disburse no assistance for any resettlement of Syrian refugees into northeast Syria that is not the safe, dignified, and voluntary return of those refugees to their homes.

We also call for an immediate and genuine cessation of hostilities in Idlib, including an immediate halt to attacks against civilians. In addition, we stress the need to deal effectively with the terrorist threat emanating from Idlib and northwest Syria.

We also ask the international community to commit to support the UN on implementation of all aspects of UN Security Council Resolution 2254, notably a nationwide ceasefire, the creation of a genuine and representative Syrian constitution, the mass release of political prisoners, as well as UN-supervised elections that are free, fair and credible. Internally displaced persons, refugees and the diaspora must be able to participate in these elections in a safe and neutral environment. We continue to support efforts to ensure that all perpetrators of abuses and violations of international humanitarian and human rights law throughout Syria are identified and held accountable.

We encourage the international community to provide humanitarian assistance to all of Syria with the support of the UN agencies and stress the importance of ensuring safe and unhindered humanitarian access for all Syrians currently in need of it. We also support the safe, dignified, and voluntary return of refugees to their homes.

Finally, we express our commitment to the enduring defeat of ISIS and other UN designated terrorist groups and remind the international community that a political settlement in Syria remains essential to sustainably achieving this shared goal.

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A December 21, 2019 press statement from Secretary Pompeo denounced the veto by the Russian Federation and China of UN Security Council Resolution 2449 allowing humanitarian aid to the Syrian people. The statement appears below and is also available at <https://www.state.gov/russian-federations-and-chinas-veto-of-unscr-2449-aid-to-syrian-refugees/>.<sup>\*</sup>

\* \* \* \*

The Russian Federation's and China's veto yesterday of a Security Council resolution that allows for humanitarian aid to reach millions of Syrians is shameful. The resolution put forward by Germany, Belgium and Kuwait, and supported by the U.S. would have enabled life-saving assistance to reach at least four million Syrians throughout the country. Unfortunately, the Russian Federation for the 14th time, and China, for the 8th time, failed in this commitment. Both countries preferred instead to provide cover and support for its junior partner in Damascus; thus placing the lives of millions of innocent civilians in the balance at the height of winter, while further threatening civilians by supporting the continued Assad regime and Russian military offensive on Idlib.

*To Russia and China, who have chosen to make a political statement by opposing this resolution, you have blood on your hands.* There is no substitute for UN cross border deliveries, and there are no viable alternatives to feeding millions of Syrians until the Syrian regime ceases its war on the Syrian people. UN cross-border aid must continue until the Assad regime demonstrates that it is ready to shoulder its moral responsibility to provide unhindered UN humanitarian access to every single Syrian in need, no matter where they live. Russia's and China's vetoes of this resolution demonstrate that these governments simply do not care that the horrible Syrian regime continues to obstruct and deny humanitarian access to its own people.

Russia and China argue that the situation has changed, but that's far from the truth. Millions of Syrians are still in need of assistance. The international community of free and democratic nations, as seen by the Council vote, cannot understand what Russia and China gain from vetoing the resolution and holding humanitarian aid hostage. That is an explanation both nations owe the Council, the Syrian people, and the international community of nations that support human rights and fundamental freedoms.

The United States will remain committed to helping the voiceless, the hungry, the displaced, and the orphaned receive the humanitarian aid they require to survive no matter where they live. We are the largest single humanitarian donor in Syria, having provided \$10.5 billion since the start of the crisis in 2011. We are proud of our principled stance to help every Syrian in

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<sup>\*</sup> Editor's note: On January 10, 2020, the United States delivered an explanation of vote on the humanitarian crossings issue after abstaining from the vote on the resolution that was ultimately passed. That statement will be discussed in *Digest 2020*.

need—even in regime-held areas—and will continue to shine a light on those who choose not to help.

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### 3. Colombia

On March 15, 2019, the State Department issued a press statement on U.S. support for the ongoing peace process in Colombia. The statement, available at <https://www.state.gov/supporting-colombias-ongoing-peace-process/>, includes the following:

The United States welcomes the Colombian government's efforts to ensure the law implementing the Special Jurisdiction for Peace (JEP) complies with the 2016 Peace Accord and the Colombian Constitution. The United States also welcomes actions that ensure that those who commit serious crimes after the signing of the Peace Accord, in violation of the accord's stated aims to promote non-recurrence, are held accountable to the full extent of the law and are subject to extradition as appropriate and foreseen under the 2016 agreement. The United States reaffirms the importance of Colombia's expeditiously passing a statute to implement the JEP to ensure it has a solid legal framework to operate effectively and independently.

...

The United States has provided strong support to Colombia's journey toward peace. We welcome efforts to strengthen accountability for war crimes and violations and abuses of human rights and to ensure that those responsible receive sentences proportionate to the crimes committed, whether by the FARC, paramilitaries, or state agents, including the military in Colombia. The United States views the JEP as an important mechanism for peace and justice in Colombia.

The Secretary of State made a certification on August 13, 2019 related to accountability in Colombia as required under section 7045(b)(4) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (Div. F, Pub. L. 116–6). 84 Fed. Reg. 45,197 (Aug. 28, 2019). Specifically, Secretary Pompeo certified and reported to the Committees on Appropriations that:

(A) the Special Jurisdiction for Peace and other judicial authorities are taking effective steps to hold accountable perpetrators of gross violations of human rights in a manner consistent with international law, including for command responsibility, and to sentence them to deprivation of liberty;

(B) the Government of Colombia is taking effective steps to reduce attacks against human rights defenders and other civil society activists, trade

unionists, and journalists, and judicial authorities are prosecuting those responsible for such attacks; and

(C) senior military officers responsible for ordering, committing, and covering up cases of false positives are being held accountable, including removal from active duty if found guilty through criminal or disciplinary proceedings.

On August 30, 2019, the State Department issued a press statement by Secretary Pompeo denouncing calls by some in Colombia to abandon the 2016 peace accord. The press statement, available at <https://www.state.gov/the-united-states-denounces-calls-to-resume-armed-conflict-in-colombia/>, includes the following:

We strongly repudiate recent calls by some individuals to abandon the FARC's commitments under the 2016 peace accord and engage in further terrorism and violence. We also condemn the continued terrorist activities of the ELN and those who enable it and give it safe haven.

... The continuing adherence to and implementation of the 2016 peace accord is vital to sustainable progress on security, counternarcotics, human rights, and economic development.

The United States welcomes actions that ensure those who have committed or continue to commit serious crimes since the signing of the peace accord in 2016 are held accountable to the full extent of the law and are subject to extradition as appropriate and provided for under the agreement.

#### **4. Sudan**

See Chapter 9 for the U.S. statement on the overthrow of President Omar al Bashir. On June 4, 2019, the Troika (the United States, Norway, and the United Kingdom) issued a joint statement on developments in Sudan, available at <https://www.state.gov/joint-statement-on-developments-in-sudan/>, which states:

The Troika condemns the violent attacks in Sudan on June 3, which resulted in the killing and injuring of many peaceful civilian protesters. By ordering these attacks, the Transitional Military Council has put the transition process and peace in Sudan in jeopardy. We call for an agreed transfer of power to a civilian-led government as demanded by the people of Sudan. We welcome the statement of the Chairperson of the African Union (AU) and support the important role of the AU in solving the crisis in Sudan, including its demand for an immediate handover to a civilian-led government.

The Troika also expresses its serious concern over the TMC's announcement that it will cease negotiations with the Forces for Freedom and Change, retract all previous agreements with them on formation of an interim government, and will hold elections within nine months. The people of Sudan deserve an orderly transition, led by civilians, that can establish the conditions



for free and fair elections, rather than have rushed elections imposed by the TMC's security forces.

On June 5, 2019, the State Department issued a further statement on the situation in Sudan, available at <https://www.state.gov/situation-in-sudan/>, in which the United States condemned attacks on protesters and called on Sudan's Transitional Military Council and the Rapid Support Forces to stop resorting to violence. The United States urged further consultations with the Forces for Freedom and Change toward establishing a civilian-led transition and expressed support for the African Union ("AU") Peace and Security Council's April 30 communiqué.

On June 29, 2019, the Troika issued a statement on freedoms in Sudan, excerpted below and available at <https://www.state.gov/troika-statement-on-freedoms-in-sudan/>.

The Sudanese people have a right to freedom of expression and freedom of peaceful assembly. The Transitional Military Council should respect these rights, permit peaceful protests, and avoid any use of violence.

The Troika continues to support the demand of the Sudanese people for a peaceful, agreed transition towards democracy in Sudan. We also support the ongoing African Union-Ethiopian mediation. We call on the Transitional Military Council and the Forces for Freedom and Change to engage constructively with the African Union-Ethiopian proposal to achieve a peaceful democratic transition through the formation of a civilian-led transitional government. Such a transition will help stabilize the country and enable the Troika and other partners to work with the Government of Sudan to address the country's economic challenges.

On July 6, 2019, the State Department issued a press statement welcoming the July 5, 2019 announcement of an agreement between the Forces for Freedom and Change and the Transitional Military Council to establish a sovereign council in Sudan. The press statement, available at <https://www.state.gov/response-to-july-5-agreement-announcement-in-sudan/>, commends mediators from the African Union and Ethiopia for their assistance in facilitating progress toward civilian-led government.

On July 23, 2019, U.S. Special Envoy to Sudan Ambassador Donald Booth held a press briefing to discuss international efforts to facilitate a transition to peace and civilian government in Sudan after the exit of President Bashir. Ambassador Booth's remarks are excerpted below and available at <https://www.state.gov/press-briefing-with-ambassador-donald-booth-u-s-special-envoy-to-sudan/>.

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I started as the Special Envoy for Sudan on the 10<sup>th</sup> of June and since then have been in Khartoum three times and done two swings through the region, both in Africa and the Middle East. In my time in Khartoum I've met and spent a fair amount of time with a broad range of Sudanese to better understand where all of them are coming from and what they're trying to achieve. ...

The position that the United States has taken is that we support the formation of a civilian-led transitional government that will be broadly supported by the Sudanese people. There are many partners that we have engaged with toward that end. I'm just here in Brussels yesterday for a meeting of the Friends of Sudan, which is a group of Western, Middle Eastern, and African parties that are interested in helping the Sudanese people achieve their desires. That group met last month in Berlin and came up with an agreement for broad support for the mediation effort of the African Union and Ethiopia toward helping the Sudanese achieve their desire for a civilian-led transitional government.

In addition to the African Union and Ethiopian mediation, there have also been roles played by individual Sudanese in trying to bring the Transitional Military Council and the Forces for Freedom and Change together, and we've seen that progress is often made in talks when the Sudanese parties are face to face and engaging with each other.

We all know of the very tragic events of the 3<sup>rd</sup> of June when close to 150 people were killed at the sit-in site outside the military headquarters. The 3<sup>rd</sup> of June was a signal of the limits of people power; but then there was the 30<sup>th</sup> of June, which was when close to a million people again took to the streets and cities throughout Sudan, and I think that demonstrated the limits of military power over the people.

So shortly after those lessons were learned by both sides, we had the announcement of an agreement on a transitional government on the 5<sup>th</sup> of July, which resulted in the signing of the political declaration on July the 17<sup>th</sup>.

Now, that political declaration really addresses the structure of a transitional government and not the entire structure of it. For example, it has put off the question of the Legislative Council. So it is a document that is the beginning of a process. We welcome the agreement on that. But there are still a lot of negotiations to be conducted on what the Sudanese are calling their constitutional declaration, which is a document that will be more detailed and will have to address what the functions of the different parts of the transitional government will be. It's in that document where issues of relative roles and powers of the Sovereignty Council, the Prime Minister and the Cabinet, and ultimately of the Legislative Council will be addressed.

Then after that, it is agreed there's still the issue of who will actually be in the transitional government.

So as you can see, there's still a lot that the Sudanese need to do but as I said, we fully support the desire of the Sudanese people to have a civilian-led transitional government that will tackle the issues of constitutional revision and organizing elections, free and fair, democratic elections, at the end of a transition period.

Another part of my function has been to engage with a broad set of international partners to secure their support to help the Sudanese people achieve their desire for a civilian-led transitional government and to provide peace and stability in Sudan, and to begin the process of restoring Sudan's economy. That's one of the issues that we discussed among the Friends of Sudan in Brussels yesterday.

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...[T]he agreement that was reached on July 17<sup>th</sup> is only the first step in forming the transitional government, and we certainly need to see the Sudanese reach agreement on the further step of the Constitutional Declaration, which will address the functions of that government so that we have a true sense as to where the relative powers and authorities will lie.

So, the U.S. reaction will depend upon what the Sudanese actually agree upon, and then also, as we say, the broad support of the Sudanese people for any such agreement.

So, under current U.S. restrictions that go back many years, including our designation of Sudan as a state sponsor of [t]errorism, our ability to operate in Sudan in the economic realm has been limited to humanitarian and democracy and governance areas. So those are areas we could definitely engage in going forward in support of a government. And I would think that if it's seen as a government that truly reflects what the Sudanese people have been looking for, it will certainly have the political support of the United States and our active engagement with other partners around the world to support that.

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There are still some sanctions on individuals, particularly sanctions related to gross human rights abuses that were voted through the UN Security Council. There are a number of other issues that would limit U.S. ability to provide assistance, but are not sanctions per se.

The main one that people recognize is the current designation or ongoing designation of Sudan as a state sponsor of terrorism. But there are also limitations on any assistance we can provide outside of the humanitarian and democracy governance area due to shortcomings of Sudan in the area of child soldiers. It's an issue we are engaging General Hemeti in particular on, and I'm pleased to say that he has last week committed to allow the International Committee of the Red Cross and UNICEF to investigate that. We'll see if they secure his cooperation in that matter, but the commitment was made.

We also have concerns about trafficking in persons and lack of Sudan's focus on trying to deal with that issue. Religious freedom is another area where we have concern. So there are many things that limit what the United States can do in the assistance area, but again, having a civilian-led transitional government we believe will be a start, if they start addressing these issues, to being able to engage Sudan on looking at all these issues where we still have restriction.

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The issue of immunity and accountability—that is an important issue. There is, in the draft, one draft anyway of the Constitutional Declaration, a provision for immunity for members of the Sovereignty Council. That would apply to the civilians as well as to the military members of it. And as I understand, there are negotiations, part of the negotiations will be in limiting the extent of that. Having immunity for the Chief Executive or Executive Branch of a government is not unusual. When you think about it in the U.S. context, only the Congress can move to impeach and try a President.

So it's not an unusual thing, but what they are looking to add to it is not only limitations on it, but what mechanism might be used to lift any immunity for specific reasons.

The issue of accountability gets to one other function to be achieved during the transitional period, and that is the establishment of an independent and credible investigation of the June 3<sup>rd</sup> events and subsequent violence. Again, a commission has not been established. Who will establish it and how it will be independent has not been yet thoroughly agreed. Though the

political declaration that was signed on the 17<sup>th</sup> of July did include a provision that the independent commission to be established would be able to call on African support. So that gives an opening for assistance and oversight, perhaps, that could add to the credibility of any investigation.

We have certainly cautioned the Sudanese parties that an investigation done in-house, no matter how well done, will always have some suspicion, so the idea of having this being done above board is extremely important I think to the Sudanese people and we certainly support that.

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...There are actually two negotiations going on. One has been the negotiation in Khartoum between the Transitional Military Council and the Forces for Freedom and Change. And in that regard, I frankly think that the focus has been more on the structure of the government and to some extent the authorities of the government rather than on who will occupy what positions.

Now the FFC has told me they have their lists of people that they will propose for ministerial posts, for example, or for their seats on the Sovereignty Council, but that has not, at least in discussions with me or other envoys from other countries that have been involved in this, that has not been a big focus.

What you may be referring to is what you're hearing out of the discussions between the FFC delegation that has gone to Addis Ababa to meet with representatives of some of the armed groups who have been fighting the government of Sudan for some time.

There we have heard calls for positions in the Cabinet, for reserved seats in a legislature. Those discussions in Addis really we think one should not be delaying the formation of a transitional government, and two, the armed groups really need to focus on how they're going to negotiate peace agreements.

The purpose of the FFC engagement with them was to see how that might, peace negotiations might proceed in the future.

I'll be going to Addis shortly to try to talk with all the parties there to get a better sense of where they're coming out in the talks that have been going on there, but clearly we believe and I've communicated this to everyone I've met in Khartoum, that they need to focus on resolving the issue so that they can get a civilian-led transitional government established.

Sudan in effect has been operating really without an agreed government since the fall of President Bashir. The Transitional Military Council has in effect been de facto running things with the old ministries and personnel from those ministries in place. So, the sooner that Sudan can establish a civilian-led transitional government, it can begin then to address issues of reform and moving forward to a better future.

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The Troika's December 11, 2019 statement relates to the resumed talks with Sudanese armed opposition groups on December 10, 2019. That statement is excerpted below and available at <https://www.state.gov/troika-statement-on-the-resumption-of-peace-talks-with-sudan-armed-opposition-groups/>.

The success of these talks will be critical in Sudan's journey towards ensuring lasting peace. The United States, the United Kingdom, and Norway (the Troika) welcome the resumption of these talks. ...

For too long, internal conflict was waged at the expense of Sudan's most vulnerable people. Only lasting peace will ensure that the humanitarian and security needs of those in the areas affected by the conflicts can be met and for those marginalized areas to benefit from the changes ushered in by the creation of a civilian led transitional government. We urge all sides to support the formation of the Transitional Legislative Assembly and appointment of civilian governors (known as *walis*) by the end of December 2019. We furthermore encourage all sides to come to the talks without pre-conditions. Progress in the talks will maintain confidence in building a stable, secure, democratic and inclusive Sudan where all Sudanese are equal. It is vital that all sides demonstrate the political will to work together, and engage productively, to find solutions to outstanding issues. If they do so they will have the support of the Troika.

## 5. South Sudan

On February 20, 2019, the State Department issued as a media note, available at <https://www.state.gov/joint-statement-on-escalating-conflict-in-south-sudan/>, the Troika's joint statement on escalating conflict in South Sudan. The joint statement follows.

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The members of the Troika (Norway, the United Kingdom, and the United States) are alarmed about the escalating conflict around Yei, which represents a flagrant breach of the December 2017 Cessation of Hostilities Agreement and the September 2018 revitalized peace agreement. These military actions, and the trading of blame, must stop.

We are particularly disturbed that fighting by all parties in the Yei area has severe humanitarian consequences for the local population. Thousands of South Sudanese have been displaced and fled across the border into the Democratic Republic of the Congo in recent days to escape fighting and violence against civilians, the UN's High Commissioner for Refugees has confirmed.

This renewed violence risks undermining the peace agreement and lowers confidence of the Troika and other international partners in the parties' seriousness and commitment to peace at a critical time of the pre-transitional period of the revitalized peace agreement.

We are concerned that if the situation escalates, the progress made in implementing the peace agreement will be irrevocably set back. In addition, if violence against civilians continues unchecked, it could fuel further cycles of violence and atrocities.

All parties—the Government of South Sudan, the SPLM-IO, and National Salvation Front—must end the violence immediately in line with commitments they made in the Cessation

of Hostilities Agreement. Namely, they must ensure the safety of civilians and their freedom of movement, and guarantee safe routes for civilians to leave conflict areas. The parties must allow unrestricted access to Yei and the surrounding area for the UN Mission in South Sudan, the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism, as well as all humanitarian actors, to enable them to effectively carry out their roles.

Regional leadership will be essential to securing progress on this matter. We urge the region to respect the UN Arms Embargo and to hold those responsible for violations of the peace agreement and Cessation of Hostilities Agreement to account in line with the Intergovernmental Authority on Development (IGAD) statement of 31 January that called for all parties to “cease hostilities and military preparations immediately.” The Reconstituted Joint Monitoring and Evaluation Commission (R-JMEC) has a central role in holding the parties to these agreements accountable to their commitments. We urge IGAD to appoint a credible and empowered R-JMEC Chair as a matter of urgency.

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The July 29, 2019 Troika joint statement on the peace process in South Sudan is available at <https://www.state.gov/troika-statement-on-the-south-sudan-peace-process/> and appears below.

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The Troika (the United States, United Kingdom, and Norway) reaffirm their commitment to the IGAD-led South Sudan peace process and to the lasting peace the people of South Sudan deserve. The significant drop in political violence and the presence of many opposition politicians in Juba are welcome developments. However, with less than four months until the new deadline for the end of the pre-transitional period in November, time is running out. While there is progress, lack of momentum to fully implement the peace agreement may threaten the successful formation of the transitional government and prospects for the peace process.

We call on the parties to redouble their efforts to resolve the most pressing remaining issues, which includes ensuring agreed security reforms are delivered, through the mobilization of necessary support. We join the region and South Sudan’s civil society in calling for regular engagement between President Salva Kiir and Dr. Riek Machar. Focused discussions on outstanding tasks are critical for progress towards the formation of the Revitalized Transitional Government of National Unity, which will set the foundation for effective joint governance. Credible elections in South Sudan in 2022 are another important milestone.

We are encouraged by the appointment of H.E. Stephen Kalonzo as the Kenyan Special Envoy on South Sudan; this is an important demonstration of commitment from an Intergovernmental Authority on Development (IGAD) member state. The Troika also welcomes the commitment made by the AU High-Level Ad hoc Committee (theC5) at the AU summit on 6 July to re-engage in South Sudan’s peace process. The role of IGAD countries and the wider international community remains critical, and the Troika stands ready to support the region’s engagement.

For the peace process to remain credible, it is important that the parties demonstrate their commitment to peace and meet the assurances they made in May. The Troika stands by the people of South Sudan and looks forward to working with the peace agreement's mandated reconstituted transitional government to support a successful transitional period.

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On September 12, 2019, the State Department released as a media note the Troika statement on the one-year anniversary of the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan. The media note is available at <https://www.state.gov/troika-statement-on-the-one-year-anniversary-of-the-signing-of-the-revitalized-agreement-on-the-resolution-of-the-conflict-in-the-republic-of-south-sudan/> and the joint statement follows.

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On the one-year anniversary of the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), the Troika (United States, United Kingdom, and Norway) wishes to reconfirm its support for the peace process and to underscore the need to implement the terms of the R-ARCSS in a timely manner.

We applaud President Salva Kiir and Dr. Riek Machar for engaging in direct talks in Juba on September 9-10 and for the subsequent recommitment to form a transitional government. We encourage President Kiir to continue to facilitate the dialogue necessary among South Sudan's political leaders, including Dr. Machar, to ensure the formation of a transitional, representative, national government by the November 12 deadline. In forming this government, South Sudan's leaders have the opportunity to set aside ethnic rivalries and personal interests and demonstrate the political will necessary to build a better future for the people of South Sudan.

On this anniversary, we hope that South Sudan's political leaders will demonstrate to the millions of South Sudanese who live in fear of a return to conflict that they are definitively abandoning the use of force to resolve political differences. We urge all of South Sudan's leaders to take the necessary steps to uphold a definitive cessation of hostilities and to initiate the demobilization, disarmament, and reintegration process that will build a truly national security apparatus.

The Troika will continue to stand with and support the people of South Sudan, who deserve a government that respects human rights, empowers women and youth, and enables economic development through the peaceful return of refugees and internally displaced persons to their homes. We further hope for a constructive relationship with the post-November 12 Government of South Sudan.

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On October 21, 2019, the United States joined in a statement from the Troika (with the United Kingdom and Norway) on the formation of South Sudan's revitalized transitional government. The statement appears below and as a State Department

media note at <https://www.state.gov/troika-statement-on-the-formation-of-south-sudans-revitalized-transitional-government-of-national-unity/>.

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South Sudan faces a critical moment in the journey toward a peaceful and prosperous future. There are now less than four weeks for political leaders to form a transitional government as they committed to in the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan. The United States, the United Kingdom, and Norway (the Troika) have consistently welcomed assurances by the parties to implement the agreement and meet its deadlines, and hoped that recent meetings between South Sudan's leadership show a renewed spirit of cooperation. We commend the actions of the Intergovernmental Authority on Development (IGAD) to broker the agreement and maintain momentum and take hope from the continued reduction in overall violence in South Sudan.

For too long, conflict has been waged at the expense of South Sudan's most vulnerable and continues to exacerbate humanitarian needs. We encourage the parties, especially the current government, to take concrete steps to build trust through enhanced cooperation. With the November 12 deadline looming, extended from May, much more needs to be done urgently to ensure the success of the transitional government. Progress would help maintain the confidence of all the parties and the international community, demonstrate that the parties have the political will to work together during the transitional period, and provide the opportunity for the international community to engage productively with an inclusive, new government.

We welcome the discussions of IGAD countries in Addis Ababa last week; the region and the international community's investment and engagement in a peaceful South Sudan remains important. The Troika will continue to stand with and support the people of South Sudan, who want and deserve peace and a government that protects its people. We urge the South Sudanese parties to meet the November 12 deadline to form a transitional government that will enable the conditions for a constructive relationship during the next phase of South Sudan's peace process. We encourage South Sudanese leaders to build on momentum generated by the ongoing UNSC visit to South Sudan to accelerate such progress.

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## **6. Libya**

On March 1, 2019, the joint statement of the governments of the United States, France, Italy, and the United Kingdom appeared in a State Department media note. The joint statement, available at <https://www.state.gov/joint-statement-on-libya/>, follows:

The governments of France, Italy, the United Kingdom, and the United States reiterate their strong support to the ongoing efforts of UN Special Representative of the Secretary-General (SRSG) Ghassan Salamé and the UN Support Mission in Libya (UNSMIL) to de-escalate tensions in Libya and help the Libyan people chart a path toward credible and secure elections. We welcome UN leadership in convening Prime Minister al-Sarraj and LNA Commander Haftar



on February 27 and commend the efforts of the Government of the United Arab Emirates to facilitate this discussion. We welcome the announcement by UNSMIL that a political agreement could be reached on the need to end the transitional stages in Libya through holding general elections, and on ways to maintain stability in the country and unify its institutions. Mindful that there is no military solution in Libya, we call on all Libyans to work constructively with SRSg Salamé and seize this vital opportunity to realize a stable and unified government that can deliver security and prosperity for all Libyans.

We also welcome the announcement by the Government of National Accord that parties have agreed to resume oil production at the al-Sharara field. All sides should promptly implement this agreement in order to allow the National Oil Corporation (NOC) to resume its vital work for the benefit of all Libyans. These Libyan resources must remain under the exclusive control of the NOC and sole oversight of the Government of National Accord, as outlined in UN Security Council Resolutions 2259 (2015), 2278 (2016), and 2362 (2017).

On July 16, 2019, a joint statement on hostilities in Tripoli by the governments of Egypt, France, Italy, the United Arab Emirates, the United Kingdom, and the United States appeared in a State Department media note. The joint statement follows and the media note is available at <https://www.state.gov/joint-statement-on-hostilities-in-tripoli/>.

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The governments of Egypt, France, Italy, the United Arab Emirates, the United Kingdom, and the United States reiterate their deep concern about ongoing hostilities in Tripoli, call for an immediate de-escalation and halt to the current fighting, and urge the prompt return to the UN-mediated political process. There can be no military solution in Libya. Persistent violence has claimed nearly 1,100 lives, displaced more than 100,000, and fueled a growing humanitarian emergency. The ongoing confrontation has threatened to destabilize Libya's energy sector and exacerbated the tragedy of human migration in the Mediterranean.

We note our deep concerns about the ongoing attempts by terrorist groups to exploit the security vacuum in the country, call on all parties to the Tripoli conflict to dissociate themselves from all such terrorists and individuals designated by the UN Sanctions Committee, and renew our commitment to see those responsible for further instability held accountable.

We fully support the leadership of UN Special Representative of the Secretary-General Ghassan Salamé as he works to stabilize the situation in Tripoli, restore confidence in order to achieve a cessation of hostilities, expand his engagement throughout Libya, promote inclusive dialogue, and create the conditions for the resumption of the UN political process. We need to re-energize UN mediation, which aims to promote a transitional government representing all Libyans, prepare for credible parliamentary and presidential elections, enable a fair allocation of resources, and advance the reunification of the Central Bank of Libya and other Libyan sovereign institutions. We also call on all UN member states to fully respect their obligations to



contribute to Libya's peace and stability, prevent destabilizing arms shipments, and safeguard Libya's oil resources in accordance with Security Council resolutions 2259 (2015), 2278 (2016), 2362 (2017), and 2473 (2019). Finally, we remind all Libyan parties and institutions of their responsibility to protect civilians, safeguard civilian infrastructure, and facilitate access to humanitarian supplies.

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On August 11, 2019, the same governments issued a further joint statement, this time welcoming an announced truce in Libya. The August 11 joint statement is available at <https://www.state.gov/joint-statement-by-the-governments-of-france-italy-the-united-arab-emirates-the-united-kingdom-and-the-united-states-on-the-truce-in-libya/> and follows.

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The governments of France, Italy, the United Arab Emirates, the United Kingdom, and the United States welcome the announcement of a truce in Libya on the occasion of Eid el-Adha in response to the Special Representative of the UN Secretary General (SRSG) with the support of the Security Council (UNSC press statement on Libya of 11 August), and invite all parties to effectively cease hostilities across Libya. We stand ready to assist the UN Mission in monitoring the observance of the truce and address any attempt to break it.

As proposed by the SRSG and reaffirmed today by the Security Council, this truce should be accompanied by confidence-building measures between the parties that can pave the way for a sustainable cease-fire and a return to a constructive, inclusive dialogue.

The governments of France, Italy, the United Arab Emirates, the United Kingdom, and the United States recall the obligation under international law for all UN Member States to abide by the arms embargo, in line with all relevant UN Security Council Resolutions.

We call on all parties to start working with no delay on a ceasefire agreement and resume efforts, under the auspices of the Special Representative of the United Nations, to build a lasting political solution, based on the principles agreed upon in Paris, Palermo, and Abu Dhabi.

The governments of France, Italy, the United Arab Emirates, the United Kingdom, and the United States, reaffirm their strong commitment to a quick and peaceful resolution of the Libyan crisis. We reiterate that there can be no military option in Libya, and we urge all parties to protect civilians, safeguard Libya's oil resources, and protect its infrastructure.

The governments of France, Italy, the United Arab Emirates, the United Kingdom, and the United States condemn in the strongest terms the attack that targeted a UN convoy in Benghazi yesterday. The circumstances of this vicious act must be established with no delay and those who were behind it must be identified and held accountable. We reiterate their full support to the essential work of the UN Mission in Libya.

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## 7. Yemen

On June 24, 2019, the State Department released, in a media note (available at <https://www.state.gov/joint-statement-by-saudi-arabia-the-united-arab-emirates-the-united-kingdom-and-the-united-states-on-yemen-and-the-region/>), a joint statement on Yemen by the governments of Saudi Arabia, the United Arab Emirates, the United Kingdom, and the United States (the “Quad”). The joint statement follows.

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The Kingdom of Saudi Arabia, the United Arab Emirates, the United Kingdom and the United States of America express their concern over escalating tensions in the region and the dangers posed by Iranian destabilizing activity to peace and security both in Yemen and the broader region, including attacks on the oil tankers at Fujairah on 12 May and in the Gulf of Oman on 13 June. These attacks threaten the international waterways that we all rely on for shipping. Ships and their crews must be allowed to pass through international waters safely. We call on Iran to halt any further actions which threaten regional stability, and urge diplomatic solutions to de-escalate tensions.

We further note with concern the recent escalation in Houthi attacks on Saudi Arabia using Iranian made and facilitated missiles and Unmanned Aerial Vehicles. In particular, we condemn the Houthi attack on Abha civilian airport on 12 June, which injured 26 civilians. We express full support for Saudi Arabia and call for an immediate end to such attacks by the Iranian-backed Houthis.

The Quad members express concern that the World Food Program has been forced to suspend food deliveries to Sanaa due to Houthi interference in aid delivery. We call on the Houthis to immediately end all restrictions on aid agencies to ensure the delivery of life-saving assistance to those Yemenis most in need.

We reiterate our commitment to the Yemeni peace process and relevant Security Council Resolutions, including UNSCR 2216. We express our full support for the UN Special Envoy Martin Griffiths. In this regard, we call on the Yemeni parties to engage constructively with the Special Envoy to accelerate implementation of the agreements reached in Stockholm. We call on the Houthis to facilitate full and unhindered access for UNMHA, UNDP and UNVIM.

We call on the Yemeni parties to participate constructively in the joint Redeployment Coordination Committee to accelerate implementation of the Hodeidah Agreement, which includes agreeing the Concept of Operations and tripartite monitoring, as well as engaging constructively on local security issues. We call on the Houthis to withdraw fully from the ports of Hodeidah, Ras Issa and Saleef. We look to the Security Council to review progress when they meet on 17 July.

The Quad nations note that implementation of the Stockholm Agreement will give the opportunity to start a comprehensive political process which can lead to an enduring political settlement that will end the conflict in Yemen.

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On November 6, 2019, the United States welcomed the signing of the Riyadh Agreement between the Republic of Yemen Government (“ROYG”) and the Southern Transitional Council (“STC”). The State Department press statement on the subject, available at <https://www.state.gov/agreement-in-southern-yemen/>, includes the following:

We are hopeful that with this agreement, all parties will work together to end the conflict and to achieve the peace and stability that Yemen’s people deserve. We thank Saudi Crown Prince Mohammed Bin Salman and the government of Saudi Arabia, President Hadi and his government, and the government of the United Arab Emirates for facilitating this pivotal agreement, which will support UN-led efforts toward a comprehensive political settlement. Yesterday, the ROYG and STC demonstrated the spirit of compromise needed from all sides to reach a lasting solution. The United States urges the parties to adhere to the agreement’s implementation. We will continue to work with our international partners to bring peace, prosperity, and security to Yemen.

## **8. Nagorno-Karabakh**

On December 5, 2019, the heads of delegation of the OSCE Minsk Group co-chair countries issued a joint statement on the Nagorno-Karabakh conflict. The co-chair countries are the Russian Federation, France, and the United States. For background on the conflict and the OSCE Minsk Group, see *Digest 2008* at 830-32. See also *Digest 2012* at 568-69 and *Digest 2016* at 764-66. The December 5, 2019 joint statement is available at <https://www.osce.org/minsk-group/441242> and includes the following:

We welcome the intention of the Foreign Ministers of Azerbaijan and Armenia to meet again in early 2020 under Co-Chair auspices to intensify negotiations on the core issues of a peaceful settlement and to facilitate further talks at the highest level. The Co-Chair Heads of Delegation reiterate that a fair and lasting settlement must be based, in particular, upon the principles of the Helsinki Final Act of non-use of force or threat of force, territorial integrity, and the equal rights and self-determination of peoples, recalling the joint statement of the Co-Chair country Heads of Delegation and the Azerbaijani and Armenian Foreign Ministers at the OSCE Ministerial Council meeting in Athens in 2009, which was subsequently endorsed by the OSCE Ministerial Council. It should also embrace additional elements proposed by the Presidents of the Co-Chair countries in 2009-2012.

## C. CONFLICT AVOIDANCE AND ATROCITIES PREVENTION

### 1. Congressional Report under the Elie Wiesel Genocide and Atrocities Prevention Act

On January 14, 2019, the Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (“Elie Wiesel Act”) was signed into law. On September 12, 2019, the State Department announced the submission of the first congressional report under the Elie Wiesel Act by the President. See press statement, available at <https://www.state.gov/submission-of-the-congressional-report-under-the-elie-wiesel-genocide-and-atrocities-prevention-act/>. The report is available at <https://www.whitehouse.gov/wp-content/uploads/2019/09/ELIE-WIESEL-GENOCIDE-AND-ATROCITIES-PREVENTION-REPORT.pdf>. Excerpts follow from the State Department press statement.

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Elie Wiesel said, “Action is the only remedy to indifference, the most insidious danger of all.” The President committed the United States to action by signing the *Elie Wiesel Genocide and Atrocities Prevention Act of 2018* into law in January 2019. It is a testament to the impact of Elie Wiesel’s life, and the universal recognition of the importance of protecting populations from mass atrocities, that this bill garnered strong bipartisan, bicameral support.

Today, the President submitted the first congressional report mandated under the Elie Wiesel Act. It provides an overview of the United States Government’s current and planned efforts to prevent, mitigate, and respond to mass atrocities globally. Specifically, the report highlights how the Department of State uses foreign assistance, diplomatic advocacy, and multilateral engagement, as well as training for our diplomats.

The release of the report announces the launch a new White House-led interagency mechanism to coordinate efforts—the Atrocity Early Warning Task Force. The State Department’s Bureau of Conflict and Stabilization Operations serves as the Secretariat of this Task Force and the Department’s Policy Lead, working across the Department to address the unique threats posed by mass atrocities. The Bureau of Democracy, Human Rights, and Labor and the Bureau of International Narcotics and Law Enforcement Affairs also conduct vital atrocity prevention programming and training. The Office of Global Criminal Justice promotes transitional justice including through accountability for atrocity crimes. This underscores the critical role that diplomacy plays in preventing atrocities and ensuring that those responsible are held accountable.

Preventing human rights violations and abuses, including atrocities, is fundamental to American values and the diplomatic efforts undertaken by the Department of State around the world. We are pleased to continue the United States’ global leadership on this issue.

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## 2. Accountability for Atrocities in Syria

On December 20, 2019, the State Department issued a press statement by Secretary Pompeo on a new U.S. law promoting accountability for atrocities by the Assad regime in Syria. The statement is excerpted below and available at

<https://www.state.gov/passage-of-the-caesar-syria-civilian-protection-act-of-2019/>.

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Today, the President signed into law the “Caesar Syria Civilian Protection Act of 2019” (the Caesar Act), an important step in promoting accountability for the large-scale atrocities Bashar al Assad and his regime have carried out in Syria. The Caesar Act is named after a former photographer for the Syrian military who risked his life to smuggle thousands of photographs out of Syria that document the torture and murder of prisoners inside Assad regime jails. Caesar has dedicated his life to seeking justice for those suffering under the Assad regime’s brutality. This new law brings us closer to doing just that.

The Caesar Act provides the United States tools to help end the horrific and ongoing conflict in Syria by promoting accountability for the Assad regime. It also holds accountable those responsible for the widespread death of civilians and for numerous atrocities including the use of chemical weapons and other barbaric weapons. The law provides for sanctions and travel restrictions on those who provide support to members of the Assad regime, in addition to Syrian and international enablers who have been responsible for, or complicit in serious human rights abuses in Syria. The law also seeks to deny the Assad regime the financial resources used to fuel his campaign of violence and destruction that has killed hundreds of thousands of civilians. The Caesar Act sends a clear signal that no external actor should enter into business with or otherwise enrich such a regime.

The United States will continue to promote accountability efforts like the Caesar Act. Our work is directed towards answering the calls of Syrian people for a lasting political solution to the Syrian conflict in line with UNSCR 2254.

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## 3. U.S. Push for Action on Ethnic Cleansing of Rohingya

On August 24, 2019, the State Department issued a press statement following up on the 2017 conclusion by the Department that the Burmese military committed ethnic cleansing against Rohingya in Rakhine state. The statement follows and is available at

<https://www.state.gov/u-s-continues-to-push-for-action-two-years-after-rohingya-ethnic-cleansing/>.

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Two years ago, Burma's security forces engaged in a brutal attack against hundreds of thousands of unarmed men, women, and children in a grossly disproportionate response to attacks by militants on security posts in northern Rakhine State. The Burmese military's horrific atrocities against Rohingya villagers caused an exodus of more than 740,000 Rohingya to Bangladesh in actions that constituted ethnic cleansing.

Rakhine State is not the only place in Burma where the military has committed violations of human rights against the Burmese people over the past seventy years. The lack of accountability and civilian oversight of the military means that military abuses continue today in Rakhine State, as well as Kachin and Shan States and elsewhere in Burma. We call upon all those involved to respect human rights, allow unhindered humanitarian access, and engage in political dialogue to pursue peace.

We appreciate the Government of Bangladesh's ongoing generosity in hosting these refugees. The United States is the leading contributor of humanitarian assistance in response to the Rohingya crisis, providing nearly \$542 million since the outbreak of violence in August 2017. We continue to call on others to join us in contributing to this humanitarian response. Our thoughts are with the victims of these abuses and the more than one million refugees who have been forced to find refuge in Bangladesh. Justice and accountability are essential for Burma's efforts to build a strong, peaceful, secure, and prosperous democracy. We continue to call on others to support efforts to promote justice and facilitate conditions for voluntary return.

As August also marks the two years since the release of the Kofi Annan-led Advisory Commission on Rakhine State's report and recommendations, many of which concern the institutional discrimination against Rohingya that continues to this day. We continue to encourage the Burmese government to implement the Advisory Commission's recommendations, which offer the best path forward for Burma and all the people of Rakhine State, as well as all those who fled. We continue to work with international organizations to encourage Burma to create the conditions that would allow for the voluntary, safe, dignified, and sustainable return of refugees to their places of origin or other places of their choosing.

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#### 4. Responsibility to Protect

On June 28, 2019, Deputy Political Coordinator for the U.S. Mission to the UN Elaine French delivered remarks on the responsibility to protect at the UN General Assembly. Her remarks are excerpted below and available at <https://usun.usmission.gov/remarks-at-a-un-general-assembly-debate-on-responsibility-to-protect/>.

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Thank you, Mr. President. The United States is pleased to participate in this debate on the Responsibility to Protect. We continue to support the 2005 World Summit outcome document and believe that each individual state has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.

We applaud the work of Special Adviser Karen Smith and encourage the Assembly to consider making this debate an annual agenda item. We recommend the Secretary General more closely examine the impact of human rights violations and abuses, including sexual violence, as key early warning indicators in the 2020 report.

The United States recognizes that there are vital interests in protecting populations from mass atrocities. Our December 2017 National Security Strategy highlighted the importance of holding perpetrators of genocide and mass atrocities accountable.

On January 14, 2019, the Elie Wiesel Genocide and Atrocities Prevention Act came into law, reaffirming the U.S. commitment to preventing and responding to atrocities. This legislation highlights the importance of a coordinated “whole of government” approach to strengthen our government’s ability to forecast, prevent, and respond to mass atrocities.

In support of early warning and prevention, the Department of State conducts regular analysis of global atrocity risks, and a deeper analysis focused on high-risk countries susceptible to atrocities. To address atrocity risks, the U.S. government identifies gaps in existing diplomatic and programmatic activities and formulates recommendations and policy options.

The United States is engaged in preventative work too. In early June, we unveiled the U.S. Strategy on Women, Peace, and Security—a government-wide framework which articulates the United States’ commitment to promoting the meaningful participation of women in efforts to respond to conflict. Through women’s meaningful participation in mediation efforts and preventative work, we can avert atrocities before they happen.

The United States continues to play an active role in the Global Network of R2P Focal Points, and was pleased to participate in recent meeting in Brussels. We continue to support best practices in the prevention space.

The United States has also been a strong supporter of the “Human Rights Up Front” initiative since its creation. The initiative is a valuable convening mechanism to ensure a whole-of-UN approach to prevention with regards to human rights abuses and violations. Given that human rights abuses and violations are often an early warning indicator of mass atrocities, we encourage member states to engage further in the work of the Third Committee. Member states can deliver statements on the Third Committee’s agenda items during interactive dialogues with the Special Rapporteurs, such as the Special Rapporteur on Freedom of Expression, and the Special Rapporteur on Human Rights Defenders.

Mr. President, the U.S. government supports a range of efforts that both directly and indirectly reduce risks of mass atrocities. Such efforts include establishing and training local communities to use early warning systems, supporting criminal justice system reform, and documenting human rights abuses for justice and accountability processes. In one example, we surveyed and documented human rights violations and abuses against ... Rohingya in 2017 in a time sensitive and comprehensive manner. The data collected is bolstering current efforts to pursue accountability for those responsible for atrocities and to contribute to justice for victims.

We commend the Secretary-General’s efforts to better coordinate within the UN system to prevent atrocities and we are pleased to support this formal debate. Moving forward, we will continue to look for opportunities to integrate prevention efforts across the UN system. Thank you for your attention.

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**Cross References**

*Denial of Visas to PLO and Palestinian Authority Officials*, **Ch. 1.B.4.d.**

*Extradition of Syrian General Jamil Hassan*, **Ch. 3.A.3.**

*ICC case on situation in Palestine*, **Ch. 3.C.1.b.**

*UN International Impartial and Independent Mechanism (Syria)*, **Ch. 3.C.3.b.**

*Klieman v. Palestinian Authority*, **Ch. 5.A.1.**

*Al-Tamimi v. Adelson*, **Ch. 5.C.**

*Accountability of UN Officials and Experts on Mission*, **Ch. 7.A.1.**

*ILC Draft Articles on Crimes Against Humanity*, **Ch. 7.C.1.**

*Talks between Venezuela's interim government and former Maduro regime*, **Ch. 9.A.2.**

*Post-Bashir government transition in Sudan*, **Ch. 9.A.4.**

*U.S. Ambassador to South Sudan called back*, **Ch. 9.A.5.**

*Libya*, **Ch. 9.A.6.**

*Israel (Jerusalem, Golan Heights)*, **Ch. 9.B.5.**

*Syria sanctions*, **Ch. 16.A.2.**

*Sanctions relating to Turkey's actions in Syria*, **Ch. 16.A.3.**

*Chemical weapons in Syria*, **Ch. 19.D.2.**